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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 110219-EI

COMPLAINT NO. 973806E OF CASEY E.
AND ALLISON L. SEAMAN AGAINST
PROGRESS ENERGY FLORIDA, INC.,
FOR ALLEGED IMPROPER BILLING.

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 3

COMMISSIONERS
PARTICIPATING: CHAIRMAN ART GRAHAM
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER RONALD A. BRISÉ
COMMISSIONER EDUARDO E. BALBIS
COMMISSIONER JULIE I. BROWN

DATE: Tuesday, October 4, 2011

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: JANE FAUROT, RPR
Official FPSC Reporter
(850) 413-6732

P R O C E E D I N G S

1
2 **CHAIRMAN GRAHAM:** Item Number 3.

3 **MS. ROBINSON:** Good morning,
4 Commissioners. Pauline Robinson for Commission
5 Legal staff. Item Number 3 addresses Progress
6 Energy Florida's motion to dismiss the Seaman's
7 complaint and staff recommendations on the Seaman's
8 complaint.

9 Mr. and Mrs. Seaman are available by
10 telephone and would like to address the Commission.
11 And representatives from Progress Energy are
12 present, and staff is available to answer any
13 questions you may have.

14 **CHAIRMAN GRAHAM:** Thank you.

15 Mr. Seaman?

16 **MRS. SEAMAN:** Yes. It's Mrs. Seaman. My
17 husband, unfortunately, is out of town on business
18 to Pennsylvania.

19 **CHAIRMAN GRAHAM:** Well, welcome. I
20 believe staff says you have got five minutes to
21 address the Commission.

22 **MRS. SEAMAN:** Yes, sir.

23 **CHAIRMAN GRAHAM:** Okay. Ma'am, you've got
24 your five minutes.

25 **MRS. SEAMAN:** Thank you. I want to thank

1 the Chairman and the Public Service Commission
2 committee for allowing me this opportunity, and I
3 apologize if my legal prose isn't adequate, but I
4 feel if you look at the facts from the Public
5 Service Commission's report dated February 7th,
6 2011, by Neal Forsman, I feel the facts will speak
7 for themselves.

8 My husband and I allege that the charges
9 roughly of about \$600 in principal and \$150 in late
10 fees are improperly applied to our utility bill due
11 to a malfunctioning computerized meter. We have
12 never alleged this meter to be broken, just merely
13 malfunctioning. And for the Public Service
14 committee to dismiss our complaint because this
15 meter was deemed to be working -- working by
16 Progress Energy, I feel would be unjust and it kind
17 of ignores the facts.

18 A Progress Energy serviceman who came to
19 our home said himself that these meters are
20 computerized and that it is typical for them to need
21 resetting, much like a cell phone or a computer.
22 When one is asked to troubleshoot problems, they may
23 be asked to remove the battery and put the battery
24 back in to reset the system.

25 My husband and I feel that -- and my

1 husband observed that when the serviceman unplugged
2 the meter and plugged it back in, it powered down,
3 and he said in his own words appeared to reset and
4 return to a customary read. Furthermore, to deny
5 our complaint as groundless would be to ignore the
6 facts of the own Public Service Commission's own
7 report dated February 7th, 2011.

8 If you refer to Page 2 on the report, and
9 look at the Comparison Chart 1, it notes a 394-day
10 period from 2009 to 2010 where our six-member
11 household consumed an average daily usage of about
12 67-kilowatt hours, and that's noted on Line 15,
13 Column E. And in 2010/2011, our average daily usage
14 was 84-kilowatt hours a day, noted on Line 15,
15 Column J, noting the increase of about
16 25.37 percent.

17 In Mr. Forsman's own words in the report,
18 and I'm quoting, however, as noted on Page 2, for
19 the August 13th, 2010, through September 22nd, 2010,
20 there was a significant rise in our daily usage, our
21 kilowatt consumption. And the note in this case,
22 the spike in kilowatt hours appears to be an anomaly
23 and is, in fact, disproportionate with the kilowatt
24 usage recorded for this same period the previous
25 year as reflected on Comparison Chart 3.

1 Mr. Forsman notes that this
2 disproportionate anomaly on Chart 3 can, in fact, be
3 attributed to a malfunctioning computerized meter,
4 and in our estimation this is a very logical
5 explanation and doesn't necessarily represent our
6 actual usage.

7 Finally, on September 14th, 2010, our
8 billing statement, Progress Energy Florida reflected
9 our average daily usage of about 230-kilowatt hours
10 per day. And an electrician we asked said that he
11 knows no other usage or appliance that could draw
12 that much usage if we had every appliance in our
13 home working at the same time. And we also were
14 vacant from our home for about 3-1/2 weeks during
15 that period due to my family member having a stroke
16 out of state, and we went to their bedside.

17 So to ignore these facts, I feel, would be
18 unjust for us. It is a fact, as noted on the
19 report, after resetting and replacing this meter our
20 usage in two days returned to what is usual and
21 customary in line with our 80-kilowatt a day usage,
22 which was customary and typical as noted on all of
23 the comparison charts.

24 It's my opinion and my husband's that
25 during these tough economic times we would be happy

1 to pay what is fair and just in our average usage,
2 but we feel that these charges, for whatever reason,
3 due to this meter not reading properly were
4 exorbitant and not appropriate. And we care for a
5 handicapped child, and we don't want to have to pay
6 anything extra above our typical usage.

7 So we feel these facts speak for
8 themselves, and I urge the committee to see the
9 facts of their own report and please rule in our
10 favor. And I thank you for your consideration.

11 **CHAIRMAN GRAHAM:** Thank you, Mrs. Seaman.

12 Thank you for your, I guess, your
13 testimony. Thank you for your words this morning.

14 **MRS. SEAMAN:** Thank you.

15 **CHAIRMAN GRAHAM:** Ma'am.

16 **MS. STRIGHT:** Good morning, Commissioners.
17 I'm Lisa Stright with Progress Energy, and I'm just
18 here to let you know that we do support staff's
19 recommendation. If you have any questions, I'll be
20 happy to address those.

21 **CHAIRMAN GRAHAM:** I guess I have a
22 question. Do you have any specific comments to some
23 of the things that Mrs. Seaman has said?

24 **MS. STRIGHT:** I cannot speak to the facts
25 as far as the usage is concerned. I have personally

1 not looked at that usage. But I can tell you that
2 we have done the meter testing, we have tested it
3 once and it recorded accurately. We did it a second
4 time and it recorded accurately. We also conducted
5 a voltage test on the home, which also fell within
6 the guidelines. And above that we have also offered
7 a home energy audit to try and identify what may be
8 causing that usage, which the customer did deny. We
9 have also offered payment arrangements for the
10 disputed amount, and have also offered to waive the
11 late payment charges from September 2010 to the
12 present time.

13 **CHAIRMAN GRAHAM:** Okay. Thank you.

14 Commissioner Balbis.

15 **COMMISSIONER BALBIS:** Thank you, Mr.
16 Chairman.

17 I have a question for staff. Included in
18 the docket correspondence is your 11-page report
19 summarizing your findings. Could you briefly
20 summarize that report, because I think -- I would
21 like to have it discussed here at this venue.

22 **MS. DRAPER:** This is Elizabeth Draper with
23 Commission staff. The 11-page letter that was sent
24 on June 17th, 2011, was prepared by Mr. Neal
25 Forsman, who is with the Process Review Group that

1 handled the complaint initially, and it's what we
2 call the complaint closure letter.

3 The letter clearly shows that staff with
4 the Process Review Group did a thorough analysis of
5 the complaint, looked at all the documentation
6 provided, which has been summarized in that 11-page
7 letter. To summarize it, the letter does
8 acknowledge that usage spiked during the two months
9 in question. However, what causes that spike,
10 that's not something Progress, by rule, is required
11 to explain. Like we stated, Progress did offer an
12 energy audit, which the custody declined.

13 It could be malfunctioning equipment. The
14 customer did state to Progress that their air
15 conditioning unit had to be replaced, which could
16 draw the excess energy. However, we need to
17 remember the basics that the meter was tested twice
18 and was found to be functioning, so at this point
19 there is no further action the Commission can take.

20 **MRS. SEAMAN:** May I say something in
21 response?

22 **CHAIRMAN GRAHAM:** Mrs. Seaman, no, you can
23 sit back and just listen right now.

24 **MRS. SEAMAN:** Okay. Thank you.

25 **COMMISSIONER BALBIS:** Thank you, Mr.

1 Chairman.

2 I don't have any further questions.

3 **CHAIRMAN GRAHAM:** Mrs. Seaman, go ahead.

4 **MRS. SEAMAN:** The reason we denied the
5 energy usage assessment is because we had had one in
6 the past done, and everything was fine. We didn't
7 feel that that had anything to do with the problem,
8 because the serviceman himself said it is common to
9 have to reset these meters. And that is his own
10 experience. So we didn't feel that was necessary.
11 And that is the reason which we denied their offer
12 to do an energy assessment. We had already had one
13 done in the past.

14 **CHAIRMAN GRAHAM:** Okay. Thank you, ma'am.

15 **MRS. SEAMAN:** Uh-huh. Thank you.

16 **CHAIRMAN GRAHAM:** Commissioner Edgar.

17 **COMMISSIONER EDGAR:** Thank you, Mr.

18 Chairman.

19 I would like to ask the company
20 representative to speak to that point, that the
21 customer's recollection is that she was informed, I
22 believe by a Progress employee, that it is customary
23 or often the case that the meters need to be reset.
24 If that is the case, that is not a practice that I
25 am familiar with or a need that I am familiar with,

1 which does not mean that it is not the case, of
2 course. But if, indeed, that is something that
3 employees are sharing with customers, then is that
4 something that is a normal practice, and could you
5 just speak to that point or elaborate on that,
6 please.

7 **MS. STRIGHT:** Yes. I cannot speak
8 certainly on that. I'm not a person who is out in
9 the field who can actually -- that actually deals
10 with the meters. We would say that, you know, if
11 there was a reason for that to be reset, then they
12 would reset that, but we have no way of really
13 knowing what was causing a draw, if there was, on
14 that, on that meter.

15 **COMMISSIONER EDGAR:** Let me come at it
16 from a different way, then. Is it often necessary
17 to reset -- for somebody to come out on behalf of
18 the company to reset a meter?

19 **MS. STRIGHT:** I do not know the answer to
20 that question.

21 **COMMISSIONER EDGAR:** For a customer to be
22 told that a meter might often need to be reset in
23 order to be accurate, is that a discussion that
24 would often take place between somebody who has been
25 called out to check a meter and a customer?

1 **MS. TRIPLETT:** Good morning, Commission.
2 If I might, Dianne Triplett for Progress Energy
3 Florida. I don't know, you know, precisely what
4 happens in the field. I know sometimes
5 unfortunately folks say things that may or may not
6 be accurate. And we certainly take learning
7 opportunities, and I will certainly take this back
8 and ensure that misinformation is not communicated
9 to our customers.

10 It also seems to me that if a meter needed
11 to be reset, because it's a electronic device, that
12 perhaps that would have to be done when the meter is
13 not registering at all, and that it wouldn't
14 necessarily mean that the meter was malfunctioning
15 in some way for it to be reset. But we would just
16 point back to the two tests that were done showing
17 that the meter was registering accurately. But as I
18 said, we will certainly take this back and ensure
19 that our trouble men and service folks out in the
20 field are communicating appropriate messages to the
21 customers.

22 **COMMISSIONER EDGAR:** Was the meter -- let
23 me ask this. The term that the meter might need to
24 be reset, what exactly does resetting a meter
25 involve?

1 **MS. TRIPLETT:** I'm not specifically aware,
2 but if they are electronic, I would think it would
3 be something like what you do, you know, a cell
4 phone that you push a button, and it just basically
5 restarts the meter. But, again, it seems to me that
6 doing that would be a trouble-shooting mechanism
7 that would -- if the meter is not working and not --
8 that it is malfunctioning.

9 **COMMISSIONER EDGAR:** I obviously am not an
10 electrician, so -- and I think probably neither are
11 you.

12 **MS. TRIPLETT:** No.

13 **COMMISSIONER EDGAR:** So, you know, if I'm
14 going down a rabbit hole, I apologize. But I'm
15 wondering, you know, if it is a common practice to
16 reset meters when a customer has had a complaint, if
17 the meter is reset and then it is checked for
18 accuracy, is that check for accuracy then sufficient
19 to determine if it was accurate prior to it being
20 reset?

21 **MS. TRIPLETT:** I understand your concern,
22 and the only thing I could suggest is if we want to
23 table this, I could try to get someone on the phone
24 from the meter department who could answer that
25 question. I hate to come here and not be able to

1 answer all of your questions, but I am not an
2 electrician, so I completely understand your
3 concern. And that would be my only suggestion to
4 get you the answer, is if we push this to the end
5 or --

6 **MRS. SEAMAN:** May I make one comment?

7 **CHAIRMAN GRAHAM:** Mrs. Seaman, no, you
8 cannot.

9 I don't have a problem with tabling this
10 thing, or I don't have a problem with just deferring
11 it until next time, because I don't see that there
12 is any rush that this thing has to be happening
13 today.

14 Is that correct, staff?

15 **MS. ROBINSON:** Yes, sir.

16 **CHAIRMAN GRAHAM:** I will take the
17 preference of the board.

18 Commissioner Balbis.

19 **COMMISSIONER BALBIS:** Yes, Mr. Chairman.
20 I think procedurally if it would be correct for me
21 to move that we table this item until the next
22 agenda conference so we can get additional
23 information. I would like information from staff
24 specifically for this meter type, and what the
25 resetting process is, and what the effect would be,

1 and also from Progress. And I think that would help
2 us -- help me in making a decision.

3 **CHAIRMAN GRAHAM:** All right.

4 Commissioner Brisé.

5 **COMMISSIONER BRISÉ:** Thank you, Mr.
6 Chairman.

7 I would second that motion basically for
8 the same reasons. I, too, have concerns about not
9 having enough information about the meter and that
10 whole process of resetting and how that could have
11 played into the accuracy of what we consider to be
12 accurate based upon the report. So I would second
13 that motion.

14 **CHAIRMAN GRAHAM:** All right. We will
15 defer this until the next meeting. Thank you.

16 **MS. TRIPLETT:** Thank you.

17 **CHAIRMAN GRAHAM:** Thank you, Mrs. Seaman.
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1 STATE OF FLORIDA)

2 : CERTIFICATE OF REPORTER

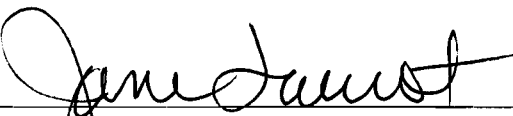
3 COUNTY OF LEON)

4
5 I, JANE FAUROT, RPR, Chief, Hearing Reporter
6 Services Section, FPSC Division of Commission Clerk, do
7 hereby certify that the foregoing proceeding was heard
8 at the time and place herein stated.

9 IT IS FURTHER CERTIFIED that I
10 stenographically reported the said proceedings; that the
11 same has been transcribed under my direct supervision;
12 and that this transcript constitutes a true
13 transcription of my notes of said proceedings.

14 I FURTHER CERTIFY that I am not a relative,
15 employee, attorney or counsel of any of the parties, nor
16 am I a relative or employee of any of the parties'
17 attorney or counsel connected with the action, nor am I
18 financially interested in the action.

19 DATED THIS 7th day of October, 2011.

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24
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JANE FAUROT, RPR
Official FPSC Hearings Reporter
(850) 413-6732